

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GEANE HERRERA,

Plaintiff,

v.

Case No: 8:20-cv-2465-CEH-JSS

FS INVESTMENTS OF AMERICA,
INC. and FRANKLYN STRUBERG,

Defendants.

ORDER

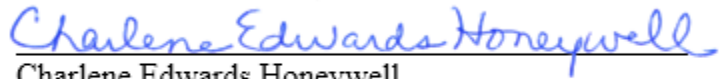
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Julie S. Sneed on April 8, 2021 (Doc. 23). In the Report and Recommendation, Magistrate Judge Sneed recommends that the Court grant in part and deny in part the parties' Joint Motion for Approval of FLSA Settlement and Joint Supplement (Docs. 16, 22). All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 23) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The parties' Joint Motion for Approval of FLSA Settlement (Doc. 16) and Joint Supplement (Doc. 22) is **GRANTED IN PART and DENIED IN PART** to the extent that:
 - a. The FLSA Settlement and Release Agreement (Doc. 16 at 5–9) is **APPROVED**, with the exception of the general release, confidentiality provision, and non-disparagement clause, as it constitutes a reasonable resolution of a bona fide dispute;
 - b. The general release, confidentiality provision, and non-disparagement clause of the Settlement Agreement is **STRICKEN**; and
 - c. Plaintiff's claims against Defendants are **DISMISSED** with prejudice.
- (3) The Motion for Approval of FLSA Settlement (Doc.16) is **DENIED** in part to the extent that it asks the Court to retain jurisdiction over the settlement agreement between Plaintiff and Defendants. The Court declines to retain jurisdiction over this matter.
- (4) This action is **DISMISSED**, with prejudice.
- (5) The Clerk is directed to terminate all pending motions and close this file.

DONE AND ORDERED in Tampa, Florida on April 23, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies to: The Honorable Julie S. Sneed
Counsel of Record